

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAVIER ALMAGUER, JR.,

Plaintiff,

v.

K. NIXON, et al.,

Defendants.

No. 1:24-cv-00399-KES-GSA (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. 13)

Plaintiff Javier Almaguer Jr., a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 10, 2024, the magistrate judge issued findings and recommendations, recommending that this action be dismissed for plaintiff's failure to exhaust administrative remedies. Doc. 13. The findings and recommendations were served on plaintiff and contained notice that any objections to the findings and recommendations were to be filed within fourteen days of service. *Id.* at 7. Plaintiff has not filed objections and the time to do so has passed.

In accordance with 28 U.S.C. § 636(b)(1), this court conducted a de novo review of this case. Having carefully reviewed the file, the court concludes that the findings and recommendations are supported by the record and proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations issued May 10, 2024, Doc. 13, are ADOPTED IN FULL;
2. This matter is DISMISSED without prejudice for plaintiff's failure to exhaust administrative remedies prior to filing this action in federal court; and
3. The Clerk of Court is directed to CLOSE this case.

IT IS SO ORDERED.

Dated: October 17, 2024


UNITED STATES DISTRICT JUDGE